U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 34495154

Date: OCT. 8, 2024

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, a general and operations manager, seeks employment-based second preference (EB-2) immigrant classification as either a member of the professions holding an advanced degree or an individual of exceptional ability, as well as a national interest waiver of the job offer requirement attached to this classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition, concluding the Petitioner did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The Petitioner filed an appeal, which we rejected. We then dismissed a subsequent motion to reopen. The matter is before us again on a second combined motion to reopen and reconsider.

The USCIS office that made the last decision in a matter generally has jurisdiction over later motions. 8 C.F.R. § 103.5(a)(1)(i)-(ii). The Administrative Appeals Office (AAO), however, did not decide the Petitioner's appeal but rather rejected it. Thus, we lack jurisdiction over the Petitioner's motions. *See generally AAO Practice Manual*, Ch. 4.5(a), https://www.uscis.gov/aao-practice-manual (stating that "[t]he AAO will deny a motion to reopen or reconsider its rejection of an appeal").

We must dismiss motions that do not meet applicable requirements. 8 C.F.R. § 103.5(a)(4). We will, therefore, dismiss the Petitioner's motions.

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.